

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD KOONS, *et al.*

Plaintiffs

V.

WILLIAM REYNOLDS, *et al.*

Defendants

AARON SIEGEL, *et al.*

Plaintiffs,

V.

MATTHEW PLATKIN, *et al.*

Defendants.

Civil Action No. 1:22-cv-07464-
RMB-AMD

CIVIL ACTION

(ELECTRONICALLY FILED)

CONSOLIDATED ACTIONS

**DECLARATION OF DANIEL L. SCHMUTTER IN SUPPORT OF
PLAINTIFFS' MOTION TO FILE AN OVER LENGTH REPLY BRIEF**

1. I, Daniel L. Schmutter, am an attorney of the State of New Jersey and a member of Hartman & Winnicki, P.C., attorneys of record for the Siegel Plaintiffs in the above-titled action. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto. I

submit this certification in support of Siegel Plaintiffs' Motion to file a 73 page reply brief, which is over the 65 page limit stipulated by the parties.

2. The parties in this matter agreed that for the preliminary injunction stage of these consolidated cases, Defendants Platkin and Callahan would file a 100 page brief in opposition, Intervenor/Defendants would have the regular 40 page brief limit, and Plaintiffs would file 65 page reply briefs.

3. However, Defendants have attempted to provide expert declarations purporting to argue and explain historical tradition. The Charles declaration is 11 substantive pages, Hartog 12 pages (6 pages single-spaced), Klett 12 pages (6 pages single-spaced), and Rivas 20 pages.

4. Historical tradition is a legal inquiry, not a factual one. Historical tradition is an inquiry about the state of the law at various points in our Nation's history. As set forth more fully in Siegel Plaintiffs Reply Brief (Section II.A.1.), these Expert Declarations are improper and only serve to invalidly increase the page length of State Defendants' brief from the agreed length of 100 pages to 155 pages.

5. The extra page length represented by these four expert declarants required Siegel Plaintiffs to add additional material in their brief such that the proposed reply brief is 73 pages.

6. Siegel Plaintiffs therefore respectfully request that the Court allow the Siegel Plaintiffs to file their 73 page reply brief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States.

s/ Daniel L .Schmutter

Daniel L. Schmutter

February 25, 2023

Date